

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

AirFX.com et al.,)	No. CV-11-01064-PHX-FJM
)	
Plaintiffs,)	ORDER
)	
vs.)	
)	
AirFX, LLC,)	
)	
Defendant.)	
)	

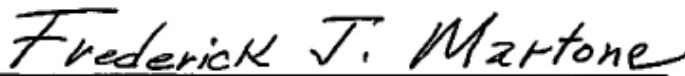
The court has before it plaintiff's motion for an order certifying the order for attorneys' fees for registration in the Southern District of Indiana (doc. 133). Defendant did not respond to the motion and the time for doing so has expired. See LRCiv 7.2(c). Defendant's failure to respond to the motion may be deemed a consent to the granting of the motion and we may dispose of the motion summarily. LRCiv 7.2(i). We grant plaintiff's motion on this basis, and also conclude that good cause exists under 28 U.S.C. § 1963 to certify the order for attorneys' fees (doc. 121) for registration in the Southern District of Indiana.

Good cause exists where there is "an absence of assets in the judgment forum, coupled with the presence of substantial assets in the registration forum." Columbia Pictures Television, Inc. v. Krypton Broadcasting of Birmingham, Inc., 259 F.3d 1186, 1197-1198 (9th Cir. 2001). Defendant is an Indiana entity, whose principal, Jeffrey Schwindt, resides

1 in the Southern District of Indiana. Defendant does not dispute that it has substantial assets
2 in the Southern District of Indiana, but not in Arizona. Although defendant appealed the
3 order for attorneys' fees, it has not posted a supersedeas bond to automatically stay execution
4 of that order.

5 Accordingly, **IT IS ORDERED GRANTING** plaintiff's motion (doc. 133). **IT IS**
6 **FURTHER ORDERED** certifying the post-judgment order granting attorney fees in the
7 amount of \$103,972.50 for registration in the Southern District of Indiana.

8 DATED this 19th day of July, 2013.

9
10 

11 Frederick J. Martone
12 Senior United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28